

REMARKS

Reconsideration of this application is respectfully requested. Currently, claims 19, 20, 30, 31 and 33 remain pending in the application.

Rejection under 35 U.S.C. § 103(a)

Claims 19, 20, 30, 31 and 33 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,274,149 ("the '149 patent"). Applicants respectfully traverse this rejection. Specifically, the '149 patent has a common inventor, Vincent Ganne, as well as a common assignee, Societe d'Exploitation de Produits pour les Industries Chimiques (S.E.P.P.I.C.). Since the '149 patent issued on August 14, 2001, it qualifies as prior art under 35 U.S.C. § 102(e). Thus in accordance with the provisions of 35 U.S.C. § 103(c)(1) and M.P.E.P. § 706.02(l)(2)(II), the '149 patent may be disqualified as prior art with a statement of common ownership. Applicants present such a statement below.

Statement of Common Ownership:

Application 09/698,121 and Patent 6,274,149 were, at the time the invention of Application 09/698,121 was made, owned by Societe d'Exploitation de Produits pour les Industries Chimiques (S.E.P.P.I.C.).

In light of this statement of common ownership, Applicants submit that the '149 patent no longer qualifies as prior art to the instant application. Accordingly, Applicants respectfully request the Examiner to withdraw the § 103(a) rejection over the '149 patent and allow the instant application to issue.

CONCLUSION

In view of the above remarks, early notification of a favorable consideration is respectfully requested. Although no additional fees are believed due, the Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-0206.

Respectfully submitted,

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